REMARKS

In accordance with the foregoing, claims 1, 4-5, 7, 11, 14-15, 17, and 21-30 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-30 are pending and under consideration. Reconsideration is respectfully requested.

Claim Amendments

Independent claim 1 is amended herein to recite a method including "acquiring information . . . wherein said interactive service can be provided from an interactive server over a first communication path to a broadcasting receiver, and said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver; transmitting over a third communication path, said information specifying said interactive service and said information specifying said service time . . . , to said interactive server, which is independent from said broadcasting server, and which executes an interactive application that provides said interactive service over said first communication path to said broadcasting receiver in response to an access from said broadcasting receiver; and transmitting over said second communication path, to said broadcasting receiver, data broadcasting contents . . . wherein said data broadcasting contents include link information to access said interactive application executed by said interactive server." Independent claims 11 and 21 are similarly amended.

Dependent claims 4-5, 14-15, and 22-26 are amended herein to correspond to respective parent claims 1, 11, and 21 as amended herein.

Independent claim 7 is amended herein to recite a method including "wherein said interactive service can be provided from said interactive server over a first communication path to said broadcasting receiver, said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver, and said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server." Independent claims 17 and 27 are similarly amended.

Dependent claims 28-30 are amended herein to correspond to parent claim 27 as amended herein.

Support for the amendments is found, for example, on page 5, starting at line 2, page 6, line 27- page 7, line 2 , and page 9, line 12- page 10, line 14 of the specification.

Claims 4 and 14 are further amended herein to correct an informality and delete duplicate wording.

Claim 11 is further amended herein to recite a program embodied on a computer readable medium to correct an informality. Claim 21 is similarly amended.

No new matter is being presented, and approval and entry are respectfully requested.

Page 2: Objection To Claims 4 and 14

On page 2 of the Office Action, the Examiner objects to claims 4 and 14 because of informalities. The Examiner asserts the wording added by the previous amendment was duplicated. Claim 4 and 14 are amended herein to delete the duplicate wording. Withdrawal of the objection is requested.

Page 3: Rejection of Claims 11-16 Under 35 U.S.C. §101

On page 3 of the Office Action, the Examiner rejects claims 11-16 under 35 U.S.C. §101 asserting that:

> [T]he claimed invention is directed to non-statutory subject matter. The "medium" in the claim is not claimed as a computer readable medium.

(Action at page 3, lines 9-11).

Independent claim 11 is amended herein to recite a program embodied on a computer readable medium. Claims 12-16 dependent on parent claim 11. Withdrawal of the rejection to claims 11-16 is requested.

Item 1: Rejection of claims 1-2, 4, 11-12, 14, 21-22, and 24 under 35 U.S.C. §102(e) as being anticipated by Reynolds et al. (U.S.P. 6,934,963)

In item 1 of the Office Action, the Examiner rejects independent claims 1, 11, and 21 (and dependent claims 2, 4, 12, 14, 22, and 24) under 35 U.S.C. §102(e) as being anticipated by Reynolds. (Action at pages 3-5). The rejection is traversed.

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Applicant submits that Reynolds does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims. Independent claim 1, as amended herein, recites a method including:

(a) "acquiring information specifying an interactive service associated with data broadcasting and information specifying a service time of said interactive service, wherein said interactive service can be provided from an interactive server over a first communication path to

12

a broadcasting receiver, and said <u>data broadcasting</u> can be provided <u>from said broadcasting</u> <u>server</u> over a <u>second communication path</u> to said broadcasting receiver (emphasis added);" and

(b) "transmitting over a <u>third communication path</u>, said <u>information specifying said</u> <u>interactive service and said information specifying said service time</u>, which are acquired in said acquiring, to said interactive server, which is independent from said broadcasting server, and which executes an interactive application that provides said interactive service over said first communication path to said broadcasting receiver in response to an access from said broadcasting receiver (emphasis added);" and

(c)"transmitting over said <u>second communication path</u>, to said broadcasting receiver, <u>data broadcasting contents associated with said interactive service</u> at said service time specified by said information specifying said service time (emphasis added),

(c1) "wherein said data broadcasting contents include <u>link information to access</u> said interactive application executed by said interactive server (emphasis added)." Independent claims 11 and 21 have similar recitations.

Applicant submits that Reynolds does not teach a method including <u>three</u> communication paths, as recited by claim 1. In particular, Reynolds does not teach a communication path, i.e., "second communication path" from a "broadcasting server" to a "broadcasting receiver."

According to an example embodiment of the present invention, claim 1 recites a method including operations that are carried out separately by an interactive server, by a broadcasting station system or server, and by a digital broadcasting receiver. As illustrated by Fig. 1, for example, according to an example embodiment of the present invention, these separate (but coordinated operations) can be carried out via separate and distinct communication paths between the respective stations and servers. For example, as illustrated in Fig. 1, according to an example embodiment of the present invention, paths include:

1)a path from interactive server 5 via the internet 1 to the digital broadcasting receiver 7 provides an interactive service transmitted by an interactive server to a broadcasting receiver,

2) a different path from the broadcasting station system's 3 antenna 31 and satellite 8 to antenna 71 provides data broadcasting to the broadcast receiver, and

3) another different path from antenna 31 through satellite 8 to antenna 59 provides control information or information specifying the interactive service.

Such separate paths are not taught by any of the art relied on by the Examiner, alone or in combination.

In fact, FIG. 1 of Reynolds clearly shows only a single link between a main facility 12 and

a user (see, for example, col. 5, lines 15-50). Even assuming *arguendo* Reynolds' "video" teaches the recited "data broadcasting contents" and Reynolds' "interactive content" teaches the recited "interactive service," by contrast, Reynolds teaches, for example:

> At step 720, the interactive program guide provides interactive content to the user with the video of the passive guide.

(col. 22, lines 50-55).

That is, Reynolds teaches data broadcasting contents and interactive content are claim, are combined and distributed to the user television equipment, e.g., arguendo the recited "broadcasting receiver," through the same communication path.

Thus, Reynolds does not teach a method providing data broadcasting from a broadcasting server "over a second communication path" to the broadcasting receiver and separately providing interactive service from an interactive server "over a first communication path" to the broadcasting receiver, as recited by claim 1, for example.

Further, claim 1, for example, recites "data broadcasting contents" as provided to a broadcasting receiver independently from the "interactive service," which is provided from the interactive server. Thus, the "interactive service" can be provided to the broadcasting receiver when the broadcasting receiver accesses an interactive application executed by the interactive server via the "link information to access said interactive application".

Reynolds does not teach such "data broadcasting contents include link information to access said interactive application executed by said interactive server."

By contrast, Reynolds merely teaches that the video and the interactive content are combined and provided to the user television equipment at the same time. Therefore, there is no motivation in Reynolds to even arguendo modify the video to include the "link information" in order to access the "interactive content."

Summary

Since features recited by independent claims 1, 11, and 21 (and dependent claims 2, 4, 12, 14, 22, and 24) are not taught by Reynolds, the rejection should be withdrawn and claims 1-2, 4, 11-12, 14, 21-22, and 24 allowed.

Item 2: Rejection of claims 7-10, 17-20, and 27-30 under 35 U.S.C. §102(e) as being anticipated by Malaure et al. (U.S.P. 6, 446,262)

In item 2 of the Office Action, the Examiner rejects claims 7-10, 17-20, and 27-30 under 35 U.S.C. §102(e) as being anticipated by Malaure. (Action at pages 5-6). The rejection is traversed.

14

Applicant submits that Malure does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims. Independent claim 7 as amended herein recites a method including:

(a) "receiving and storing a <u>set of information</u> specifying an interactive service . . . wherein said broadcasting server is managed independently from said interactive server (emphasis added);"

(b) "<u>extracting</u> . . . a set of information specifying a specific interactive service having a relation to said interactive server and information <u>specifying a service time</u> of that said specific interactive service by using the received information specifying said interactive service (emphasis added);" and

(c) "controlling activation and deactivation of each said interactive service based on said extracted set of said information . . . (emphasis added) ;" and

(d) "wherein said interactive service can be provided from said interactive server over a <u>first communication path</u> to said broadcasting receiver, said data broadcasting can be provided from said broadcasting server over a <u>second communication path</u> to said broadcasting receiver, and said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a <u>third communication path</u> to said interactive server (emphasis added)." Independent claims 17 and 27 have similar recitations.

Applicant submits that Malaure does not teach, for example, a method including information specifying "service time of said interactive service is transmitted <u>from said broadcasting server</u> over a third communication path <u>to said interactive server (emphasis added)</u>."

The Examiner asserts that the recited "interactive server" is taught by Malaure's "CCS" illustrated in Fig. 1 part 2, and the recited "broadcasting server" is taught by the "BBC" illustrated in Fig. 1 , part 8. (See, Office Action page 5, line 20 - page 6, line 6).

By contrast, however, Malaure does <u>not</u> teach that any information is transmitted from the "BBC" transmits <u>to</u> the "CCS. Rather, Fig. 1 of Malaure shows a broadcast station 8 and a central computer system 2, both of which transmit <u>through</u> a common transmitter 14.

Applicant further submits that Malaure does not teach an interactive server receives and stores "a set of information specifying an interactive service and information specifying a service time of said interactive service from a broadcasting server is one or a plurality of broadcasting

stations," let alone that the <u>interactive server</u> extracts "a set of information specifying a specific interactive service <u>having a relation to said interactive server</u> and information specifying a service time of said specific interactive service."

Summary

Since features recited by independent claims 7, 17, and 27 (and respective dependent claims 8-10, 18-20, and 28-30 are not taught by Malaure, the rejection should be withdrawn, and claims 7-10, 17-20, and 27-30 allowed.

Item 3: Rejection of claims 3, 5-6, 13, 15-16, 23 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over Reynolds in view of Grooters (U.S.P. 6,684,399)

In item 3 of the Office Action, the Examiner rejects 3, 5-6, 13, 15-16, 23 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over Reynolds in view of Grooters. (Action at pages 7-10). The rejection is traversed.

The Action concedes that Reynolds does not teach acquiring "extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information." (Action at page 8). However, the Examiner asserts that Grooters teaches:

> a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to compare the second data to the date in the programming guide (interactive service)).

(Action at page 8, lines 11-15).

The Examiner asserts it would have been obvious

> to add the live media assertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies into the television broadcast.

(Action at page 10, lines 14-18).

In *KSR International Co. v. Teleflex* Inc., 82 USPQ2d 1385, 127 SCt 1727, 167 LEd2d 705 (U.S. 2007), the U.S. Supreme Court affirmed *In re Kahn,* 441 F. 3d 977, 988 (CA Fed. 2006), stating: "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

In this regard, it is respectfully submitted that a single use/mention of a system/method

16

by a single reference is insufficient evidence in the record that it would have been obvious to try the same in the primary reference. As relied upon in the *KSR* decision, any underlying obvious to try rationale still requires <u>evidence in the record</u> of the same.

Applicant respectfully submits that there is no evidence in record to indicate a desire to modify Reynolds for "adding live local events," as asserted by the Examiner. Accordingly, Applicants respectfully submit there is no motivation to modify Reynolds in a manner as the Examiner suggests and prima facie obviousness is not established

Summary

Since *prima facie* obviousness is not established, the rejection should be withdrawn and dependent claims 3, 5-6, 13, 15-16, 23 and 25-26 should be allowed.

Conclusion

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 24, 2007

By: _____
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501